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SUBJECT: BELARUS DENIES NASHA VYASNA HUMAN RIGHTS GROUP REGISTRATION
FOR THIRD TIME

REF: MINSK 407

¶1. (U) On August 12, the Belarus Supreme Court refused to overturn the denial of state registration to the Nasha Vyasna (Belarusian for "Our Spring") human rights organization. The denial, the third since the organization was stripped of state registration in 2003, was an appeal of the Belarus Ministry of Justice's refusal to register the organization May 25. Civil registration for non-governmental organizations and political parties is key in Belarus, as Article 193 of the Criminal Code makes it illegal for anyone to run, participate, or act on behalf of an unregistered organization.

¶2. (U) In the MOJ's May 25 registration denial, the MOJ claimed that four of the group's 71 founders submitted incorrect information on registration materials. Among those errors: one founder's workplace was allegedly not registered with authorities, another listed a residence differing from official records, while one listed a shortened name of a junior high school and a fourth indicated that he was employed supervising a children's "group", rather than a "circle". Additionally, the MOJ claimed that 26 of the founders had administrative or criminal records, thereby making them inappropriate advocates for human rights work. Finally, the MOJ argued that the group's name itself was illegal, as the group's capitalization of the word Vyasna ("Spring") led MOJ to believe that the group wasn't referring to a season of the year but to something else, and that the group's registration documents failed to document the precise meaning behind the name of the group as required by the registration law.

¶3. (U) During the appeal, NV founders countered the MOJ claims. They said that only four of the 71 founders made errors, that they were "minor and insignificant", and that the MOJ gave no opportunity for corrections to be made. NV representatives also disputed the relevance of the administrative and criminal records of some founders; one founder indicated that he'd been charged with speeding in 2005. Additionally, they claimed that administrative convictions are typically removed from records after a year, and that they shouldn't be used as a basis for refusal as they should have been expunged.

¶4. (U) With this third refusal, NV has publicly stated that they will continue working but will not apply for registration again. They are aware that they may face criminal prosecution and sentences of up to 3 years in prison under Article 193. NV believe their repeated denials constitute discrimination and plan to appeal their case to the UN's Human Rights Committee.

¶5. (SBU) COMMENT: The refusal of registration was expected by NV organizers, particularly in light of repeated previous rulings against the organization. Despite minor gestures during the appeal hearing, such as allowing numerous participants to photograph and audiotape the proceedings, the GOB's use of minor technical errors on paperwork as justification for repeated denials of registration (see REFTEL) demonstrates a continued unwillingness to let dissenting human rights groups and political parties legally play a role in Belarus society. The registration denials underline the larger problem of the registration law itself, which makes illegal any action on behalf of an unregistered organization. By selectively registering organizations, the GOB is effectively able to criminalize any dissent not expressly approved by the government.

